

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

NATIONAL IMMIGRANT JUSTICE  
CENTER,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY, ET AL.,

Defendants.

) Case No. 1:18-cv-004244

) The Honorable Judge Robert M. Dow Jr.

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**JOINT STATUS REPORT**

As directed by the Court in its June 28, 2018 Order, the parties, through their undersigned counsel, hereby respectfully submit this joint status report.

**A. Attorneys of Record**

For Plaintiff:

- Samuel Fifer, Dentons US LLP, **Lead Attorney**
- William E. Walsh, Dentons US LLP
- Stacey Petrek, Dentons US LLP

For Defendants:

- Jimmy L. Arce, Assistant United States Attorney

**B. Basis for Federal Jurisdiction**

Plaintiff asserts jurisdiction pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

**C. Nature of the Claims**

Plaintiff brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, to obtain disclosure of records and other relief pertaining to the FOIA request

submitted by Plaintiff on February 16, 2018, and attached to Plaintiff's Complaint as Exhibit A, related to inspections of facilities housing detained immigrants.

**D. Service of Parties**

Both Defendants have been properly served pursuant to Rule 4(i)(2) of the Federal Rules of Civil Procedure.

**E. Principal Legal Issues**

The principal legal issues are (1) whether Defendants have wrongfully withheld responsive records from Plaintiff, and (2) whether Defendants have conducted an adequate search for records responsive to Plaintiff's request.

**F. Principal Factual Issues**

The principal factual issues are (1) what relevant documents are in Defendants' possession and (2) what measures Defendants have taken to locate custodians, files, records systems, and other means of obtaining responsive records.

**G. Jury Trial**

None demanded.

**H. Mandatory Initial Discovery Responses**

The parties have not yet commenced discussions concerning mandatory initial discovery responses. Defendants plan to answer the complaint on August 13, 2018. Accordingly, the parties expect initial disclosures to be made on or about September 13, 2018.

**I. Implemented and Anticipated Discovery; Other Anticipated Filings**

As of the filing of this Report, no discovery has been taken.

Plaintiff states that it may seek discovery regarding the adequacy of Defendants' search if obvious deficiencies arise, or if Defendants fail to proffer competent and timely evidence that Defendants have searched locally maintained records and queried local custodians in a manner

reasonably calculated, under the facts and circumstances of the request, to return responsive records.

The parties anticipate the following:

- Complete written discovery by January 15, 2019.
- Complete all depositions by April 15, 2019.
- File any dispositive motions by June 15, 2019.

**J. Trial Date and Length of Trial**

The parties are unable to ascertain this information at this stage. FOIA cases are typically not tried and the parties do not expect this case to be tried.

**K. Magistrate Judge**

The parties do not consent to proceed before the Magistrate Judge for purposes of trial or hearing on the merits, but expect referrals for resolving discovery disputes, should any arise.

**L. Settlement Discussions**

Plaintiff is willing to entertain settlement proposals upon Defendants' timely and adequate search for and production of responsive records. The parties anticipate that there will be no significant disagreement on the scope of records covered by this case, but anticipates there will be issues raised with respect to the timing of disclosure of relevant records.

**M. Anticipated Motions**

No motions are anticipated at this time; however, Plaintiff may, depending upon how discovery proceeds and the nature of any settlement discussions, consider filing a motion for summary judgment at the close of discovery.

**N. Request for Settlement Conference**

The parties do not request a settlement conference at this time.

DATED this 24th day of July, 2018

Respectfully submitted,

s/ William E. Walsh

Samuel Fifer

William E. Walsh

Stacey E. Petrek

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s/ Jimmy L. Arce

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*Attorneys for Defendants United States Department  
of Homeland Security and United States  
Immigration and Customs Enforcement*

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 24, 2018, I electronically filed the foregoing **JOINT STATUS REPORT** with the Clerk of the Court using the ECF system which will send notification of such filing to all attorneys of record.

s/ William E. Walsh